REMARKS

With this amendment, Claims 1-8 are pending in the above-referenced application, with Claim 1 amended. In view of the foregoing amendment and following remarks, Applicant respectfully requests reconsideration of the pending claims.

Claim Rejections – 35 U.S.C. §102 (a and b) and 35 U.S.C. 103(a)

Claims 1-8 are rejected under 35 U.S.C. §102(a and b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Naji (US Patent No. 6,030,447), Ries (US Patent No. 5,049,196, or Chumbley et al. (US Patent No. 4,013,480). After carefully reviewing each of these references, Applicant notes that none of the references disclose a *building material* incorporating *cellulose fibers* that are at least partially treated with a dispersant to form chemically treated cellulose fibers with improved dispersibility, wherein the dispersant binds hydroxyl groups on the fiber surface so as to substantially inhibit bonding between hydroxyl groups of different fibers, thereby substantially reducing inter-fiber hydrogen bonding so that the chemically treated fibers can be more readily dispersed in the building material.

While Naji discloses an autoclaved product incorporating additives that include dispersants, Naji does not disclose a building material having cellulose fibers that are treated with dispersants designed to bind the hydroxyl groups on the fiber surfaces so as to substantially inhibit bonding between the hydroxyl groups on the fiber surface. Claim 16 of Naji depends from Claim 1 which does not recite the incorporation of cellulose fibers in the autoclaved product.

Similarly, while Ries discloses the incorporation of a surfactant or foaming agents in a cementitious mixture, no where in Ries does it teach or suggest applying a dispersant to cellulose fibers in which the dispersant binds the hydroxyl groups on the fiber surface so as to substantially inhibit bonding between hydroxyl groups of different fibers.

Chumbley is directed to sizing agents for fibers used in the paper industry. Cationic and Nonionic dispersing agents are applied to fibers for use in paper making. No where in Chumbley does it disclose or suggest a building material incorporating cellulose fibers that are treated with a dispersant which binds the hydroxyl groups. In view of the foregoing, Applicant respectfully submits that the pending claims are patentable over the cited references.

Double Patenting Rejections

Claims 1-8 are also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52, 1-72, and 1-78 of U.S. Patent Nos. 6,676,745 (Merkley et al.), 6,506,248 (Duselis et al.), or 6,346,146 (Duselis et al.). Applicant respectfully requests the Examiner to hold the double patenting rejection in abeyance until allowable claims are identified in the present application.

CONCLUSION

Applicant further submits that all pending claims of the present application are in condition for allowance, and such action is earnestly solicited. Should there be any impediment to the prompt allowance of this application that that could be resolved through a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/8/2004

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